

BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(Amendment)

201 KAR 26:250. Employment of a psychological associate, a temporarily licensed psychological associate, or a temporarily licensed psychologist.

RELATES TO: KRS 319.032(1)(b), 319.032(1)(l), 319.064(5)

STATUTORY AUTHORITY: KRS 319.032(1)(b), 319.032(1)(l)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(l) requires the Board of Examiners of Psychology to promulgate an administrative regulation governing the clinical supervision and employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist. KRS 319.064(5) prohibits a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist from practicing independently, except under the employment and clinical supervision of a board approved licensed psychologist. This administrative regulation establishes the requirements for the employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

Section 1. Employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist (which are licensees requiring clinical supervision) by a regional mental health or mental retardation board, college or university, or government agency shall not be considered independent practice.

Section 2. (1) A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist may be employed in a supervisor's independent practice, if the supervisor is responsible for the direction and control of the practice of the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

(2) Employees shall be paid compensation. Employees shall not be independent contractors and receive a Form 1099 for their compensation. Any independent contractor shall have an independent license.

Section 3. (1) A special application shall:

(a) Be submitted to the board by the supervisor of record and a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist if:

1. a. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist is employed in an independent practice; and

b. The supervisor of record is not the employer; or

2. The employer is not an organization listed in Section 1 of this administrative regulation.

(b) Be approved by the board before the practice begins.

(c) Identify the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist supervisor, and employer.

(d) Certify that:

1. The supervising licensed psychologist is not hired, employed, or engaged under contract by the licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist;

2. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist is not an owner of the independent practice or organization, but rather serves as an employee; and

3. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist has both administrative and clinical supervision that are provided by the independent practice or organization.

(2) The arrangement described in the application shall be approved by the board before the practice begins.

Section 4. A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist shall not pay, hire, or employ a supervisor to provide clinical supervision in accordance with 201 KAR 26:171.

Section 5. A licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist who works as an employee for more than one (1) independent practice or organization shall obtain approval from the board for a supervisor of record for each independent practice or organization and shall comply with 201 KAR 26:171 for approval to have more than two (2) supervisors of record.

Section 6. In all communications and advertising with the public, the licensed psychological associate's, temporarily licensed psychological associate's, or temporarily licensed psychologist's relationship with the employer and the supervisor shall be clearly indicated.

Section 7. The licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist and the supervisor shall comply with the requirements for clinical supervision established in 201 KAR 26:171.

Section 8. Incorporation by Reference. (1) "Special Application", (March 2021 edition), is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be found on the Board's Web site, <https://psy.ky.gov>~~www.psy.ky.gov~~.

JEAN A. DETERS, Psy. D., Board Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 12, 2021 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 31, 2022 at 3:00 p.m. EST in Room 133, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>.

Members of the public may utilize the following link to attend the meeting by video conference:

Join from PC, Mac, Linux, iOS or Android:
<https://us06web.zoom.us/j/89307082752?pwd=YnRKN3BtaStYNHZZOSSt2ZU5RY3VmZz09>

Password: 889205

Or Telephone:

Dial:

USA 713 353 0212
USA 8888227517 (US Toll Free)
Conference code: 931924

Find local AT&T Numbers:
<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=8888227517&accessCode=931924>

Or an H.323/SIP room system:

H.323:
162.255.37.11 (US West)
162.255.36.11 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
213.19.144.110 (Amsterdam Netherlands)
213.244.140.110 (Germany)
103.122.166.55 (Australia Sydney)
103.122.167.55 (Australia Melbourne)
149.137.40.110 (Singapore)
64.211.144.160 (Brazil)
149.137.68.253 (Mexico)
69.174.57.160 (Canada Toronto)
65.39.152.160 (Canada Vancouver)
207.226.132.110 (Japan Tokyo)
149.137.24.110 (Japan Osaka)
Meeting ID: 893 0708 2752
Password: 889205

SIP: 89307082752@zoomcrc.com
Password: 889205

Individuals interested in attending this hearing shall notify this agency in writing by January 24, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 p.m. EST on January 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes the requirements for the employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319.032.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319.032 authorizes the Kentucky Board of Examiners of Psychology to promulgate administrative regulations consistent with KRS Chapter 319, regulating the practice of psychology. This administrative regulation establishes the requirements for the employment of a licensed psychological associate, temporarily licensed psychological associate, or temporarily licensed psychologist.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319 by carrying out the legislative mandate for the board to establish regulations for the practice of psychology.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment specifies that the supervision must be clinical.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 1,772 licensed psychologists practicing in the Commonwealth of Kentucky.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: None, it only clarifies that it must be clinical supervision.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation should add no additional cost to the licensed psychologist.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow psychologists to have an updated understanding of procedures for clinical supervision.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Examiners of Psychology is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No in-

creases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No increases in fees or funding is necessary to implement this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Kentucky Board of Examiners of Psychology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319.032(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue for the Board.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: